

Rosa's; didn't see him again; there were arms and ammunition in the house; the natives about were talking of the overthrow of the Government. Cross-examination:—I did not see the accused go into the house. There were about ninety men at Kaalawai; heard Lot Lane and others talking of the overthrow of the Government; first knew of the movement Friday; don't know how long the accused was in the house; eighty or ninety men about the house; had rifles and were walking around and on guard at the house.

Sam Kanabele:—Was at Kaalawai Sunday, January 6th. Arrived about 10 o'clock. When I got there men were bringing guns into Antonio Rosa's house; know the accused; saw him enter Rosa's house. It was late in the afternoon when he came; didn't see which way he came from, and didn't see him leave. No cross-examination.

Charles Warren was put on the stand and testified to being at Kahala January 6th cleaning arms. There were about thirty or forty men about the place in the morning and eighty or ninety in the evening. I passed



CAPTAIN A. G. M. ROBERTSON, N. G. H., JUDGE-ADVOCATE.

guns and cartridges to the men and some went on guard and others staid in the house. I know the accused; saw him at Kahala sitting on the verandah of the house late in the afternoon, talking with Carl Widemann; armed men were inside the house and guards on the outside; accused staid about half an hour; did not see him go into the house; came and went on horseback. The witness then told the story of his connection with landing the arms substantially as has been related before.

Deputy-Marshal A. M. Brown was sworn:—Was at Waikiki about 5:30 the afternoon of January 6th; know the accused; saw him coming toward Diamond Head; I was in front of Bertelmann's house; he drove past me going toward Kahala; passed within four or five feet of me.

Cross-examination:—Was at Waikiki under orders from the Marshal to watch Bertelmann's place to see who came in and went out; had located arms at that time; did not speak to the accused; might have nodded; others came from the point; remember John Wise.

Attorney-General W. O. Smith was called to the stand. Know the accused. He did not make any report to the authorities of arms landed or located at Diamond Head. The Government was first aware of the fact Sunday evening, January 6th; late in the afternoon; information was to the effect that there were a large number of arms at Bertelmann's house; also landed at Diamond Head. Immediately this information was brought in Deputy Marshal Brown was sent to watch the place and later Captain Parker was sent with a search warrant.

The prosecution announced that it had finished its case. Just previous to the adjournment for the noon hour Counsel Neumann offered an objection to the action of the court in its disposition of sections in the statement of Lillokalan. The court declined to recognize the objection.

#### AFTERNOON SESSION.

The Court assembled at 1:30. There were only a few spectators present.

Mr. Neumann said he deemed it unnecessary to introduce any evidence for the defense, for the prosecution had failed to make out its case against the defendant. He contended that the evidence brought out did not show that the accused took any part in the attempt to overthrow the Government. The fact of his being out at Rosa's place and returning could not be construed to mean that he knowingly had cognizance of the movement sufficiently to justify a conviction for misprision of treason.

Judge-Advocate Robertson said the evidence plainly showed that the defendant had knowledge of the movement and its purpose; that he saw crowds of armed men out Waikiki, and failed to report the same to the authorities. This in itself constituted misprision of treason, and of such the prisoner was guilty.

The Judge-Advocate announced the Government ready in some other cases of misprision of treason, and he would like to go on with these.

Andrew Knudsen, mate of the Waimanalo, was brought into court. He desired to see his Consul before entering a plea. Swedish Consul Weight was sent for, and had a rather lengthy conference with Knudsen, after which the prisoner announced he desired to be represented by counsel. Attorney Neumann volunteered to defend the prisoner without charge, as he was unable to employ anyone to assist him.

Corporal Evansen, of Company E, was sworn as interpreter. No objection was offered by the prisoner to the personnel of the court, and the case proceeded. Judge-Advocate Robertson read the charge against Knudsen, which embraced thirteen specifications of misprision of treason.

Mr. Neumann offered the same written objections to the jurisdiction of the court as those entered in former cases. Objection overruled.

A plea of not guilty was entered to the charge and specifications.

Sam Nowlein was the first witness called. He told the same story regarding the plot against the Government as that given by him on previous occasions.

Captain William Davies:—Am captain steamer Waimanalo; last trip made in that vessel to Kaneohe and

out to sea; knew Knudsen for about four months; he was mate on steamer Waimanalo; left on that trip 27th or 28th December; Richard made arrangements with me to go to sea the day before; did not tell accused what I intended doing; met schooner on Sunday about twenty-five or thirty miles off Makapuu Point; Townsend, Hutchinson and Knudsen rowed the boats to shore that had arms in; Townsend, Hutchinson and Knudsen went off in boat from steamer at Rabbit Island; arms placed on after house in plain view of all; while arms being put into whaleboat the accused was at wheel, but short distance; defendant took no part in conversation about guns; he did not ask or I did not tell him; think every one there knew what arms were for; it was discussed often; defendant did some shooting with guns while out at sea; belts filled with cartridges when taken aboard steamer from schooner; arrived in Honolulu Friday morning; told defendant keep matter secret; he understood what they were for; did not promise him anything extra for his services or for keeping matter secret.

Cross-examination:—At no time told defendant what guns be used for; (by Colonel Whiting—Wheel is at after part on hurricane deck.) Defendant been working for me off and on for three or four months.

Charles Warren was next called. He recited the events in connection with the landing of arms and those interested in the movement. Knudsen helped row one of the boats that loaded arms; cartridges were in belts; arms lying loose on top of house; Townsend, witness and defendant took part in shooting for practice; defendant asked us what guns for; told him they were for fighting against Government; don't remember just when he asked question; was before practice shooting; Knudsen said he knew nothing about where steamer going; said he knew nothing about guns until saw them in steamer; Captain Davies asked defendant if he'd take hand and help out when got into port; Captain Davies told witness to put rifle in cabin for defendant; accused strapped belt of cartridges around him; next day defendant used rifle in practice shooting; rifle landed with others.

Cross-examination:—I asked Knudsen if he knew anything about matter; he replied knew nothing of it; told him rifles be used against Government; enlightened him as to what arms were for; after arms been taken aboard steamer told defendant what guns be used for; general conversation was held on steamer about matter; it was held in English.

George Townsend was next witness called. He told about being employed by Nowlein to go out and get arms; Knudsen was on steamer when boat left harbor; he was in both boats when arms landed; he was also in boat when went from steamer to Rabbit Island; defendant with others done target shooting; he never asked me what arms were for; there were several discussions about revolution in presence of defendant, though he said but little himself; one gun was set apart for defendant; it was landed with rest of arms; these guns afterwards used in attempt to overthrow Government.

Cross-examination:—Two occasions on deck accused was standing close by when conversation held among ourselves; talking about whether could make it a success; think anyone, even if he be a stranger, would be sure to understand what was meant to be done; words "overthrow the Government" were used quite often; Captain Davies ordered accused into a boat; did not say anything to him about my being in command or threatened him with pistol; accused wore cartridge belt all time until Warren ordered him to take it off.

Re-direct:—All men aboard were armed; defendant also armed.

Rebuttal:—Don't know who gave orders to people to arm themselves.

To Court:—Conversations were in Hawaiian and English; mostly in Hawaiian; from what I have heard defendant say don't think he understood very little of what was said.

Attorney-General W. O. Smith:—Government first informed of landing of arms on Sunday evening; defendant did not furnish this information; he gave no information until after arrest; talked with him wholly in English; it was somewhat broken; he told of the affair in detail; said he knew nothing of the object of the steamer before it left; had no trouble in making himself understood fully all was said; defendant arrested on Monday evening.

Prosecution closed. Andrew Knudsen in his own behalf:—Captain Davies ordered me into boat to help carry arms; remember Charles Warren and what he stated; there was no conversation between Warren and myself; he didn't tell me guns were to be used in fighting Government; George said they were missionary guns; been in country about five months; Charles said take one rifle and belt and come with them ashore; shot gun next day at wood on water same as balance of them.

Cross-examination:—Been working on Waimanalo about five weeks; met schooner and landed guns before this time; thought it was funny way of landing things; heard them talking about missionary guns; could not understand what they were going to do with them; they said going after opium; after guns aboard knew it was not opium they were after; heard arms be landed between Diamond Head and Honolulu; didn't know what they be used for; thought something wrong about landing guns, but didn't know; heard guns be landed near Kakaako; guns all loose; Captain Davies told me at sea and when came into port not to say anything about it; red whiskered man said to witness if he did not stay with him he would shoot him; this was after guns taken aboard steamer; was told stay on board; came ashore on Friday evening; nothing to prevent me from coming ashore.

Rebuttal:—Captain Davies did not ask me to help resist if steamer was searched.

To Captain Camara:—Had some talk with Charles Warren; about many things, but not anything about arms.

To Judge Whiting:—Been to see three years; started from Norway; been on long voyages; first time on steamer in this country was on Waimanalo; other time in Norway; am 32 years old; arrived here on German bark Center from Liverpool direct; been sailor all time.

To Mr. Neumann:—Never been a soldier. Mr. Neumann desires to submit the case without argument.

Judge-Advocate Robertson thought the defendant could not help knowing what arms were intended for. It would seem from the fact that Captain Davies had told the defendant to keep quiet about landing of arms was sufficient to show he must have known such was illegal. He would ask leniency for the accused.

At 5:15 the Court adjourned until 9:30 this morning.

#### THE NEWS IN ENGLAND.

##### Damon Wires That the Revolt Has Been Suppressed.

LONDON, Jan. 21.—Mr. Hoffnung, the Hawaiian Consul-General in London, has received a dispatch from Damon, the Hawaiian Minister of Finance, stating that the rebellion in Hawaii has been entirely suppressed and that communication between the different islands has been resumed.

SARANAC LAKE (N. Mex.), Jan. 21.—Captain William F. Mannix today issued an appeal for volunteers to go at once to Hawaii for the defense of the Republic.

#### QUESTIONS OF DUTY.

##### The Proposed Repeal of the Differential Rate on Sugar.

WASHINGTON, Jan. 24.—Wilson, chairman of the Committee on Ways and Means, today conferred with Senators Blanchard and Caffery about his bill for the repeal of the differential duty of one-tenth of a cent on sugar imported from bounty-paying countries.

The interview is understood to have been brought about by the report that the sugar producers generally would antagonize the Wilson bill, and the conference confirmed this report. The Louisiana Senators took the position that the duty added one-tenth of a cent a pound to the value of all the sugar produced in this country, and say at that rate it is worth in the aggregate about \$600,000 annually to their State alone.

#### More Insect Pests.

"San Francisco is being deluged with pestiferous foreign insects and scabs," remarked Quarantine Officer Crow of the Horticultural Commission recently, says the San Francisco Examiner, and it requires the utmost vigilance of myself and deputies to bar the pests from a landing. During the past month they have arrived in greater quantity and variety than ever before. The last steamer from Hawaii brought several species of orange scale which were promptly destroyed.

Among the bills introduced recently in Congress was one by Chandler to prevent the tapping of telegraph wires by news associations. This is to prevent the stealing of news, and was made necessary by the recent developments in Chicago, where various other associations, by means of wire-tapping, were making use of Associated Press news.

## BY AUTHORITY.

### PROCLAMATION.

#### EXECUTIVE BUILDING,

HONOLULU, H. I., January 7, 1895.

#### The right of WRIT OF HABEAS

CORPUS is hereby suspended and MARTIAL LAW is instituted and established throughout the Island of Oahu, to continue until further notice, during which time, however, the Courts will continue in session and conduct ordinary business as usual, except as aforesaid.

By the President:

SANFORD B. DOLE,

President of the Republic of Hawaii.

J. A. KING,

Minister of the Interior.

#### NOTICE.

##### Special Orders No. 31.

The following appointment is hereby announced for the information of the National Guard of Hawaii.

A. G. M. Robertson, to be Aid-de-Camp on the General Staff with rank of Captain, from February 11, 1895.

Captain A. G. M. Robertson will act as Judge-Advocate on the Military Commission now in session in this city, vice

Captain W. A. Kinney, relieved from said duty.

By order of the Commander-in-Chief,

JNO. H. SOPER,

Adjutant-General.

Adjutant-General's Office,

Honolulu, H. I., February 11, 1895.

3916-3t

#### NOTICE.

##### Special Orders No. 32.

MAJOR McLEOD, commanding First Regiment, N. G. H., is hereby ordered to cause Solomon Kauai, Apeleham, Lot Lane, Thomas Poole, Robert Palau, J. W. Bipikane, Kiliona, Joe Clark, William Widdifield and Iola Kiakahi, prisoners under arrest on the charge of treason, to be transferred to the custody of the Marshal.

By order of the Commander-in-Chief,

JNO. H. SOPER,

Adjutant-General.

Adjutant-General's Office,

Honolulu, February 11, 1895.

3916-3t

#### NOTICE.

All persons are hereby notified that they are strictly forbidden to use fire crackers, Chinese bombs, or any fire works whatever within the limits of Honolulu.

E. G. HITCHCOCK,

Marshal Republic of Hawaii.

Honolulu, January 22d, 1895.

3899-tt

#### NOTICE.

##### Special Orders, No. 26.

The Military Commission now in session in this city, convened by Special Orders No. 25, dated January 16, 1895, from these Headquarters will hold its sessions without regard to hours.

By order of the Commander-in-Chief,

JNO. H. SOPER,

Adjutant-General.

Adjutant-General's Office, Honolulu, January 19, 1895.

3897-tt

GENERAL HEADQUARTERS, REPUBLIC OF HAWAII, ADJUTANT GENERAL'S OFFICE, HONOLULU, Island of Oahu, H. I., January 16, 1895.

##### SPECIAL ORDER No. 25.

ORDER FOR A MILITARY COMMISSION.

A Military Commission is hereby ordered to meet at Honolulu, Island of Oahu, on Thursday, the 17th day of January, A. D. 1895, at 10 o'clock A. M., and thereafter from day to day for the trial of such prisoners as may be brought before it on the charges and specifications to be presented by the Judge Advocate.

The Officers composing the Commission are:

1. Colonel William Austin Whiting, First Regiment, N. G. H.
2. Lieutenant-Colonel J. H. Fisher, First Regiment, N. G. H.
3. Captain C. W. Ziegler, Company F, N. G. H.
4. Captain J. M. Camara, Jr., Company C, N. G. H.
5. Captain J. W. Pratt, Adjutant, N. G. H.
6. Captain W. C. Wilder, Jr., Company D, N. G. H.
7. First Lieutenant J. W. Jones, Company D, N. G. H.

Captain William A. Kinney, Aide-de-Camp on General Staff, Judge Advocate.

By order of the Commander-in-Chief, (Signed.) JNO. H. SOPER,

3893-tt Adjutant-General.

#### NOTICE.

On and after this date, all persons wishing passes, will please call between the hours of 11 and 12 a. m., and 7 and 9 p. m., for the same.

E. G. HITCHCOCK,

Marshal Republic of Hawaii.

Honolulu, February 9, 1895.

3914-1w

#### Saloon Notice.

From and after date liquors of all descriptions will be allowed to be sold at the licensed saloons, between the hours of 6 a. m. and 6 p. m., providing the same be drunk on the premises.

No liquors shall be taken away from such saloons excepting beer.

Any violation of this will cause such saloon to be immediately closed.

The presence of any person under the influence of liquor upon any saloon premises will also be sufficient to cause such saloon to be immediately closed.

E. G. HITCHCOCK,

Marshal, Republic of Hawaii.

February 6th, 1895.

3912-tt

# Hawaiian Gazette Com'y

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